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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,052	09/22/2003	Li Ji	SAMS01-00300	7826
23990	7590	03/06/2006	EXAMINER	
DOCKET CLERK P.O. DRAWER 800889 DALLAS, TX 75380			DOAN, PHUOC HUU	
			ART UNIT	PAPER NUMBER
			2687	
DATE MAILED: 03/06/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/667,052

Applicant(s)

JI ET AL.

Examiner

PHUOC H. DOAN

Art Unit

2687

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 27 January 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.

b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because

(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);

(b) ☐ They raise the issue of new matter (see NOTE below);

(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: _____.

Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: Attached an Office Action.

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____

13. ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 01/27/2006 have been fully considered but they are not persuasive.

Applicant's remarks: Independent Claims 21, 29, and 37 of the present application do not claim, for example: **a failure** detection circuit.

Examiner's remarks: the present invention was not claim the word **a failure**, but on the specification supports (see page 27, lines 14-18, page 20, lines 3-11) very clearly that **detection circuit when if an overhead channel failure occurred**. So the present invention stated "detection circuit" is more broadly to compared with the patent, and based on the functionality and the process with the patent and present invention are the same meaning.

Applicant's remarks: Independent Claims 21, 29, and 37 of the present application require a channel allocator capable of receiving said access request notification and, in response thereto: (1) terminating a first communication link...

(2) allocating a first data traffic channel associated with said terminated first communication link...

Examiner's response: the patent is clearly in claim 1 "**terminating a first communication link between (col. 11, lines 1-4)**".

Also in the patent, claim 1 "**allocating said first data traffic channel associated with...col. 11, lines 11-14)**".

Applicant's remarks: the Yamashita reference fails to disclose, for example, in response to an access request notification, terminating a first communication link between said first base transceiver station and a first selected one of said plurality of mobile station, wherein said first selected mobile station maintains at least a second communication link with at least a second base transceiver station of said wireless network and allocating said first data traffic channel associated with said terminated first communication link to establish a communication link with said accessing mobile station.

Examiner' response: Applicant's remarks/argument are REPEATED based on the (EXAMINER'S RESPONSE to FINAL OFFICE ACTION) which THE PRIOR ART RECITE BY (YAMASHITA, and MENICH).

Yamashita specifically discloses when the mobile station 18 detected that the quality of the channel between the mobile station 18 and base transceiver station 12-1 has deteriorated and that the quality with the base transceiver station 12-2 has improved, the mobile station 18 notifies the base

transceiver 12-1 accordingly step 1002, upon which a transfer is made to a soft handoff mode (col. 4, lines 35-51), wherein said first selected mobile station maintains at least a second communication link with at least a second base transceiver station of said wireless network and allocating said first data traffic channel associated with said terminated first communication link to establish a communication link with said accessing mobile station as indicated in Fig. 2 “the forward traffic information is also transferred from the base transceiver station 12-1 to the base transceiver station 12-2 and then transmitted from the base transceiver station 12-2 onto its radio channel. After that, when the quality of the channel with the base transceiver station 12-1 has deteriorated far enough, the soft handoff mode is terminated (steps 1016, 1018), and a transfer is made to the normal communication mode in which the mobile station 18 is connected only to the base transceiver station 12-2 (step 1020) (See col. 4, lines 51-67, col. 5, lines 1-36).

Applicant’s remarks: the Yamashita reference fails to disclose, for example, allocating said first data traffic channel associated with said terminated first communication link to establish a communication link with said accessing mobile station.

Examiner response: Yamashita specifically discloses the soft handoff mode under the control of the base transceiver station 12-2 is essentially the same as the soft handoff mode under the control of the base transceiver station 12-1, except that the base transceiver station 12-2 takes control and performs inter-cell diversity processing in place of the base transceiver station 12-1 (step 1015), when the quality of the channel with the base transceiver station 12-1 has deteriorated far enough, the soft handoff mode is terminated (steps 1016, 1018), and a transfer is made to the normal communication mode in which the mobile station 18 is connected only to the base transceiver station 12-2 (step 1020) (See col. 4, lines 51-67, col. 5, lines 1-36).

Phuoc Doan

02/25/06

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